

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

-----X
LIVE FACE ON WEB, LLC.,

Plaintiff,

-against-

BIBLIO HOLDINGS LLC.,
MARJAN GHARAJEDAGHI,

Defendants.
-----X

**DEFENDANTS'
ANSWER, DEFENSES
COUNTERCLAIM**

Index No. 15-CV-4848

Defendants, by their attorney, Todd Wengrovsky, for their Answer, Defenses, and Counterclaim,
state as follows upon information and belief:

“THE PARTIES” SECTION OF THE COMPLAINT

1. Defendants admit the allegations of this Paragraph of the Complaint.
2. Defendants admit the allegation of this Paragraph of the Complaint that Biblio Holdings, LLC.
is a New York Limited Liability Company, but clarify that its address is now P.O. Box 1034, New
York, NY 10150.
3. Defendants admit the allegations of this Paragraph of the Complaint.

“JURISDICTION AND VENUE” SECTION OF THE COMPLAINT

4. Defendants admit the allegations of this Paragraph of the Complaint.
5. Defendants deny each and every allegation of this Paragraph of the Complaint.
6. Defendants admit the allegations of this Paragraph of the Complaint.

7. Defendants deny the allegation that Marjan Gharajedaghi is conducting business personally.

Defendants admit the remaining allegations of this Paragraph of the Complaint.

8. Defendants admit the allegations of this Paragraph of the Complaint.

“PLAINTIFF’S BUSINESS AND COPYRIGHTED TECHNOLOGY”
SECTION OF THE COMPLAINT

9. Defendants deny each and every allegation of this Paragraph of the Complaint.

10. Defendants deny each and every allegation of this Paragraph of the Complaint.

11. Defendants deny each and every allegation of this Paragraph of the Complaint.

12. Defendants deny each and every allegation of this Paragraph of the Complaint.

13. Defendants deny each and every allegation of this Paragraph of the Complaint.

14. Defendants deny each and every allegation of this Paragraph of the Complaint.

15. Defendants deny each and every allegation of this Paragraph of the Complaint.

16. Defendants admit the allegations of this Paragraph of the Complaint.

17. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint.

18. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint.

“DEFENDANTS’ COPYRIGHT INFRINGEMENT” SECTION OF THE COMPLAINT

19. Defendants admit the allegations of this Paragraph of the Complaint.

20. Defendants admit the allegations of this Paragraph of the Complaint.

21. Defendants admit the allegations of this Paragraph of the Complaint.

22. Defendants deny each and every allegation of this Paragraph of the Complaint.

23. Defendants deny each and every allegation of this Paragraph of the Complaint.

24. Defendants deny each and every allegation of this Paragraph of the Complaint.

25. Defendants admit the allegation that their website had previously linked to a portion of www.tweople.com, and that www.tweople.com stored the software at issue. Defendants deny the remaining allegations of this Paragraph of the Complaint.

26. Defendants deny each and every allegation of this Paragraph of the Complaint.

27. Defendants deny each and every allegation of this Paragraph of the Complaint.

28. Defendants deny each and every allegation of this Paragraph of the Complaint.

29. Defendants deny each and every allegation of this Paragraph of the Complaint.

30. Defendants deny each and every allegation of this Paragraph of the Complaint.

31. Defendants deny each and every allegation of this Paragraph of the Complaint.

32. Defendants deny each and every allegation of this Paragraph of the Complaint.

33. Defendants deny each and every allegation of this Paragraph of the Complaint.

34. Defendants deny each and every allegation of this Paragraph of the Complaint.

35. Defendants deny each and every allegation of this Paragraph of the Complaint.

36. Defendants deny each and every allegation of this Paragraph of the Complaint.

37. Defendants deny each and every allegation of this Paragraph of the Complaint.

38. Defendants deny each and every allegation of this Paragraph of the Complaint.

39. Defendants deny each and every allegation of this Paragraph of the Complaint.

40. Defendants deny each and every allegation of this Paragraph of the Complaint.

“COUNT ONE” SECTION OF THE COMPLAINT

41. Defendants repeat and incorporate by reference their replies in Paragraphs 1 through 40 herein inclusive.

42. Defendants deny each and every allegation of this Paragraph of the Complaint.

43. Defendants deny each and every allegation of this Paragraph of the Complaint.

44. Defendants deny each and every allegation of this Paragraph of the Complaint.

45. Defendants deny each and every allegation of this Paragraph of the Complaint.

46. Defendants deny each and every allegation of this Paragraph of the Complaint.

47. Defendants deny each and every allegation of this Paragraph of the Complaint.

48. Defendants deny each and every allegation of this Paragraph of the Complaint.

49. Defendants deny each and every allegation of this Paragraph of the Complaint.

50. Defendants deny each and every allegation of this Paragraph of the Complaint.

51. Defendants deny each and every allegation of this Paragraph of the Complaint.

52. Defendants deny each and every allegation of this Paragraph of the Complaint.

53. Defendants deny each and every allegation of this Paragraph of the Complaint.

54. Defendants deny each and every allegation of this Paragraph of the Complaint.

55. Defendants deny each and every allegation of this Paragraph of the Complaint.

56. Defendants deny each and every allegation of this Paragraph of the Complaint.

57. Defendants deny each and every allegation of this Paragraph of the Complaint.

DEFENDANTS' AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiff can not demonstrate injury, impact or damage as a result of any actions by Defendants.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by unclean hands.

FOURTH AFFIRMATIVE DEFENSE

Defendant has not infringed the United States Copyright cited in the Complaint.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred to the extent that the content at issue in this case is not the subject of a valid copyright.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff is barred from recovery by reason of waiver and/or estoppel.

SEVENTH AFFIRMATIVE DEFENSE

Defendants had no knowledge that any of their activities constituted infringement and thus their actions were innocent.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the doctrine of acquiescence.

NINTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the doctrine of laches.

TENTH AFFIRMATIVE DEFENSE

Any alleged infringement was de minimis.

WHEREFORE, Defendants respectfully request this Court to grant judgment in their favor, order all claims of the Complaint dismissed with prejudice, award Defendants all costs, expenses, disbursements and fees incurred herein, including reasonable attorneys' fees, and such other, further and different relief as the Court may deem just and proper.

DEFENDANTS' FIRST COUNTERCLAIM

1. Defendant / Counterclaimant BIBLIO HOLDINGS LLC. is a New York Limited Liability Company with an address of P.O. Box 1034, New York, NY 10150.

2. Plaintiff / Counterclaim Defendant LIVE FACE ON WEB, LLC. is a Pennsylvania limited liability company with a principal place of business at 1300 Industrial Boulevard, Suite 212, Southampton, PA 18966.

3. Jurisdiction of these counterclaims arises under the Declaratory Judgments Act, 28 U.S.C. Sections 2201 and 2202, and under the laws of the United States concerning actions relating to copyrights.

4. There is a justiciable controversy between the parties concerning the validity and scope of the Plaintiff's United States Copyright TXu001610441 and Defendants' alleged liability for infringement thereof.

5. This counterclaim is brought for a Declaratory Judgment that the Plaintiff's copyright is not infringed, and is invalid, void and unenforceable.

6. Counterclaimant avers that the copyright is unenforceable against them.

7. Plaintiff, having instituted this infringement suit against Defendants, could, with the approval of this Court, dismiss this suit without an adjudication of the copyright, thereby leaving Defendants and other members of the industry subject to further litigation.

8. Defendants, denying infringement of the copyright, aver that unless they are found to infringe same or the copyright is adjudged invalid, void and unenforceable, Defendants and other members of the industry will have efforts to conduct their business unfairly frustrated.

WHEREFORE, Defendants respectfully requests this Court to enter a final judgment:

- (a) Declaring that the complaint fails to state any claim on which relief can be granted;
- (b) Awarding Plaintiff nothing on the Complaint and dismissing with prejudice;
- (c) Declaring that Defendants have not infringed any valid copyright;
- (d) Directing the U.S. Copyright Office to invalidate and cancel United States Copyright

TXu001610441;

- (e) Awarding Defendants reasonable attorneys' fees and costs; and
- (f) Awarding Defendants such other relief as is determined to be just and proper.

Dated: Calverton, New York.
September 27, 2016

/s/ Todd Wengrovsky
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